

**DECLARATION AND POWER OF ATTORNEY IN COPENDING
APPLICATION CONTAINING ADDITIONAL SUBJECT MATTER**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD AND APPARATUS FOR MODIFICATIONS OF
VISUAL ACUITY BY THERMAL MEANS**

the specification of which

XX is attached hereto.

— was filed on _____ as

Application Serial No. _____

and was amended on _____

(if applicable)

That this application in part discloses and claims subject matter disclosed in my earlier filed pending application:

Serial No. 08/171,225

Filed DECEMBER 20, 1993

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

That as to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and

That said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application;

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/171,225</u> (Application Serial No.)	<u>DECEMBER 20, 1993</u> (Filing Date)	<u>pending</u> (Status -- patented, pending, abandoned)
<u>08/111,296</u> (Application Serial No.)	<u>AUGUST 23, 1993</u> (Filing Date)	<u>pending</u> (Status -- patented, pending, abandoned)

I hereby appoint BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, a firm including: Keith G. Askoff, Reg. No. 33,828; Aloysius T.C. AuYeung, Reg. No. 35,432; Bradley J. Berezna, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; Jeffrey J. Blatt, Reg. No. 30,244; Timothy Rex Croll, Reg. No. 36,771; Stephen D. Gross, Reg. No. 31,020; David R. Halvorsen, Reg. No. 33,395; James P. Hao, Reg. No. 36,398; Michael D. Hartogs, Reg. No. 36,547; George W. Hoover II, Reg. No. 32,992; Paul H. Horstmann, Reg. No. 36,167; Tracy L. Hurt, Reg. No. 34,188; Eric S. Hyman, Reg. No. 30,139; Dag H. Johansen, Reg. No. 36,172; Stephen L. King, Reg. No. 19,180; Daniel C. Mallery, Reg. No. 33,532; Michael J. Mallie, Reg. No. 36,591; James D. McFarland, Reg. No. 32,544; Anthony C. Murabito, Reg. No. 35,295; Ronald W. Reagin, Reg. No. 20,340; James H. Salter, Reg. No. 35,668; Robert Alan Saltzberg, Reg. No. 36,910; James C. Scheller, Jr., Reg. No. 31,195; Edward W. Scott IV, Reg. No. 36,000; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; John C. Stattler, Reg. No. 36,285; Edwin H. Taylor, Reg. No. 25,129; Lester J. Vincent, Reg. No. 31,460; Ben J. Yorks, Reg. No. 33,609; and Norman Zafman, Reg. No. 26,250; my attorneys; and Thomas X. Li, Reg. No. 37,079; Kenton R. Mullins, Reg. No. 36,331; and Edwin A. Sloane, Reg. No. 34,728; my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1. Full Name of Sole/First Inventor LARRY HOOD
Inventor's Signature [Signature] Date 5 AUG 1994
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2. Full Name of Second/Joint Inventor ANTONIO MENDEZ G.
Inventor's Signature [Signature] Date 8/6/94
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APPLICANT OR PATENTEE: LARRY HOOD AND ANTONIO MENDEZ G. OUR REF NO: 37231.P006X

SERIAL OR PATENT NO.: _____ FILED/ISSUE DATE: _____

FOR: METHOD AND APPARATUS FOR MODIFICATIONS OF VISUAL ACUITY BY THERMAL MEANS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) AND 1.27(b) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled METHOD AND APPARATUS FOR MODIFICATIONS OF VISUAL ACUITY BY THERMAL MEANS described in

☒ THE SPECIFICATION FILED HERewith.

☐ APPLICATION SERIAL NO.: _____, FILED: _____

☐ PATENT NO.: _____, ISSUED: _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

☒ NO SUCH PERSON, CONCERN, OR ORGANIZATION

☐ PERSONS, CONCERNS, OR ORGANIZATIONS LISTED BELOW.*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: _____

ADDRESS: _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME: _____

ADDRESS: _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

LARRY HOOD
[Signature]
Signature of Inventor

ANTONIO MENDEZ G.
[Signature]
Signature of Inventor

5 AUG 1994
DATE
37231.P006X

8/6/94
DATE

DEC/POA